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Security Council

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 15 March 2004 from the Permanent Mission of Honduras to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Honduras to the United Nations presents its compliments to the Chairman of the Committee and, as requested, has the honour to transmit herewith the report of Honduras, prepared by the Secretary of State for Security, pursuant to paragraph 6 of Security Council resolution 1455 (2003) (see annex).

04-29907 (E) 260404 280404

Annex to the note verbale dated 15 March 2004 from the Permanent Mission of Honduras to the United Nations addressed to the Chairman of the Committee*

Report prepared by the Secretary of State for Security pursuant to paragraph 6 of Security Council resolution 1455 (2003)

Replies 1

1. How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?

Immigration controls have been put in place at ports and airports, financial alerts are used in the national banking system and an early-warning police databank has been established.

2. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the list? If so, please describe these problems.

Further information is needed about the individuals included in the list. There is little more than the name, no photographs and no formal channel to request more information. The system should include a mechanism for prompt and efficient technical information exchange, and an official organization should be established.

3. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.

No, but an investigation is being carried out in that regard.

4. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Osama bin Laden or members of the Taliban or Al-Qaida that have been included in the list.

There is no information available at present.

5. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the list?

None to date

6. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the list? If so, please provide this information to the Committee.

Two Jordanian nationals carrying false Honduran papers, Yoanis Yassin Saied and Bassen Waarie, were arrested in Honduras on 15 March 2002.

7. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country.

* The enclosed documentation may be consulted in the Secretariat.

Through the publication of national legislation against unlawful association and terrorist activities Honduran citizens are informed of the risks involved in criminal involvement of that kind. In addition, campaigns are being undertaken to promote social cooperation in reporting unlawful activity of that nature.

Replies II

Please describe briefly:

1. The domestic legal basis for implementing the asset freeze required by the above resolutions.

Decree No. 45-2002, Law against the offence of money-laundering, aims to suppress and punish the offence of money-laundering, which it treats as a form of organized crime.

2. Any impediments under your domestic law in this context and steps taken to address them.

None.

3. Please describe any structures or mechanisms in place within your Government to identify and investigate Osama bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

There is a special public prosecutor's office to combat organized crime and to initiate proceedings against persons arrested on suspicion of terrorist connections; the investigation is carried out by the Directorate-General of Special Investigation Services, which according to article 35 of the National Police Organization Act is in charge of investigating international police cases. Article 36 of the Act provides for the investigation of trafficking in persons and related criminal activities.

4. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to Osama bin Laden.

The responsibility of banks is linked to the obligations of the country under international treaties and agreements to combat illicit trafficking in money to be used in criminal and terrorist activities. These treaties and agreements include: the Vienna Convention of 1988 and the Basel Statement of Principles; the Forty Recommendations of the Financial Action Task Force and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (Strasbourg, 1990); the model regulations adopted by the Inter-American Drug Abuse Control Commission and the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (1994); the Buenos Aires Declaration and the Revised Forty Recommendations against Money-Laundering of the South American Financial Action Task Force (1996); the Central American Convention for the Prevention and Suppression of Money-Laundering and Related Crimes (1997); the United Nations International Convention for the Suppression of the Financing of Terrorism and the United Nations Convention against Transnational Organized Crime (2000); the United Nations Security Council resolution and the 8 Special Recommendations on Terrorist Financing of the Financial Action Task Force.

At the national level, the legal framework includes decree 202-97, resolution 356 17-08-99, decree 45-2002 and resolution 869-20-02.

5. Resolution 1455 (2003) calls on Member States to provide a "comprehensive summary of frozen assets of listed individuals and entities".

None.

6. Identification(s) of the person or entities whose assets have been frozen.

Nobody listed.

7. A description of the nature of the assets frozen (i.e., bank deposits, securities, business assets, precious commodities, works of art, real estate property and other assets).

None.

8. The value of the assets frozen.

None.

9. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen in accordance with the resolution. Please include assets frozen in accordance with resolution 1267 (1999).

None.

10. The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee.

The National Banking and Insurance Commission is the governmental body that plans and implements policies on financial controls. It receives and interprets international commitments with a view to producing national resolutions aimed at regulating financial transactions.

11. Required bank-reporting procedures, if any, including the use of reports on specific transactions.

The national banking system is committed to declaring bank accounts that show significant movements and exceed the levels of current accounts and to declaring, for tax purposes, clients' portfolios in which the working capital might seem conspicuous. The financial movements of the national bank are audited by the commission in order to corroborate the reports and identify undeclared accounts.

12. Requirements, if any, placed on financial institutions other than banks to provide suspicious transaction reports, and how such reports are reviewed and evaluated.

The banking and insurance commission is responsible for this evaluation process.

13. Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.

As well as legislation to regulate the mining industry, there are laws to control contraband and tax evasion, and there are regulations on buying and selling transactions of securities and other items.

14. Restrictions or regulations, if any, applicable to alternate remittance systems such as — or similar to — "hawala", as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.

A series of regulations on the sending and receiving of remittances has been established and any transfer that exceeds the set limit must be reported to the banking and insurance commission. With regard to charities, in Honduras there are non-governmental organizations that receive millions of dollars to support government programmes on health, nutrition, democracy, governance, the environment, ecology and human development. These organizations receive little regulation. "Hawala" is a new system, and as its characteristics are not fully known more precise information should be provided.

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

A travel ban is enforced only through a judicial order against a person accused of a crime, in which case immigration controls are established at ports and airports to prevent that person leaving.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

The list of individuals linked to international terrorism and related activities is kept at border posts with respective immigration alerts.

17. How often do you transmit the updated list to your border control authorities? Do you possess the capability of searching list data using electronic means at all your entry points?

It is transmitted immediately after being received, although an encryption mechanism is needed for transmission to the external network. Internally, national information databases and affiliated agencies in the country are consulted.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory?

Nobody listed.

19. Please provide an outline of the measures, if any, taken to incorporate the list in the reference database of your consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the list?

The Ministry of Foreign Affairs distributes alerts to the consular services through diplomatic channels; national agencies operate only within the domestic territory.

20. What measures do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction?

Honduras has legislation regulating the acquisition of arms. A series of personal requirements is requested in the case of Honduran nationals. Commercial weapons only are sold, as the new penal code prohibits individuals from owning and possessing automatic weapons. The import and sale of commercial weapons is centralized in a State institution.

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

The offence of illegal arms trafficking as defined in our legislation is one of the measures aimed at curbing any movement of arms for the benefit of illicit, international terrorist groups and other activities related to organized crime.

22. Please describe how your arms/arms broker licensing system, if any, can prevent Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

Weaponry is not sold to the public, except for limited sales to foreigners.

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated?

Neither weapons nor ammunition are produced in Honduras.

24. Would your State be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.

It would be important to establish a mechanism to allow for the exchange of experience.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.

There are no instances.

26. Please include any additional information you believe pertinent.

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 23 March 2004 from the Permanent Representative of Myanmar to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of the Union of Myanmar to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities and has the honour to transmit herewith the report of the Government of the Union of Myanmar in accordance with paragraph 6 of Security Council resolution 1455 (2003) (see annex).

04-29965 (E) 030504

Annex to the note verbale dated 23 March 2004 from the Permanent Representative of Myanmar to the United Nations addressed to the Chairman of the Committee

Report of the Union of Myanmar on the Implementation of United Nations Security Council Resolutions 1267 (1999) and 1455 (2003)

Introduction

The Union of Myanmar is a peaceful land bordered by the people's Republic of China, Thailand, Laos PDR, India and Bangladesh. Myanmar is 677,000 square kilometers large in area with an estimated population of 52 million. It is an agricultural country with 65 per cent of population being peasants and farmers. Buddhism is the predominant religion with nearly 90 per cent of population. Other religions include Christianity, Islam and Hinduism. The people of Myanmar are tolerant and live in peace and harmony.

Myanmar has not been involved nor connected with the likes of Osama Bin Laden, Al-Qaida, the Taliban and their associates. When Hambali, assumed leader of Jamaah Islamiah, was arrested in Thailand in mid 2003, Myanmar immediately took preventive measures in order to block terrorists from entering into Myanmar by land or sea routes across the borders. The National Intelligence Bureau and the Security Forces have been placed on high alert. Myanmar is in close collaboration with neighbouring countries, ASEAN Member States and Regional and International Police Organizations in information exchanges and other forms of cooperation.

Consolidated List

The consolidated list of United Nations provided to Myanmar Ministry of Foreign Affairs has been circulated to the National Intelligence Bureau, law

enforcement agencies and relevant Ministries. The persons and entities in the document are placed on the watch-list.

The United Nations list has also been distributed by the Central Bank to State-owned banks, private banks and financial institutions. A "Suspicious Transaction Report System" has been created in order to freeze accounts related to terrorists or terrorist entities. According to the system, suspicious transactions are immediately reported to the Central Control Board (CCB). The CCB which was set up in accordance with the Money Laundering Law of 2002 is chaired by the Minister for Home Affairs.

The consolidated list has also been circulated to all Myanmar Embassies and Consulates with the intent of careful scrutiny in the visa issuing process Similarly, the list is with all border checkpoints for the same precautionary purpose.

In Myanmar, only destructive acts such as bomb explosions have been carried out by the remnants of insurgent groups. These were identified and legal action was taken under the existing national laws. Information related to terrorists or terrorist groups has not however been received.

Terrorists, supporters of terrorists and persons who attempt to commit terrorist acts are liable to be punished effectively by the following domestic law:- and their properties seized:

(a) The Unlawful Associations Acts (1908)

(b) The Emergency Provisions Act (1950)

(c) The Penal Code (1861)

(d) The Control of Money Laundering Law (2002)

(e) The Law for Taking action against Owning and Marketing of Properties Obtained by Unlawful Means (1986)

(f) The Atomic Energy Act (1998)

(g) The Explosives Act (1884)

(h) The Explosive Substances Act (1908)

(i) The Arms Emergency Act (1949)

(j) The Arms (Temporary) Amendment Act (1951)

(k) The Public Order Preservation Act (1947)

(l) The Law Safeguarding the State from Danger of Subversive Elements (1975)

Financial and Economic Assets Freeze

The Central Bank of Myanmar issued Directive 2/2002 of 7 March 2002 instructing State-owned and private banks to freeze the funds and financial assets related to terrorists and terrorists organizations.

Section 19 of chapter 9 of the Control of Money Laundering Law and Article 6 (c), chapter 3 of the subsequent Rules define the person under obligation to report any suspicious transactions to the CCB. Information on illegal financial transactions from sources other than banks and financial institutions must also be reported to the CCB. The Financial Intelligence Unit (FIU) formed on 16 January 2004 is tasked with the reporting obligation.

The CCB Directive No. 1/2004 of 2 January 2004 instructs all banks and financial institutions of the obligation under law, to report all suspicious transactions. Likewise, Directive 2/2004 of 12 January 2004 of the CCB names the Department of Settlement and Land Records as also being responsible for issuing reports on suspicious transactions.

According to these Directives of the CCB, report of the suspicious transactions, not only money laundering but also other suspicious activities, must be made. The Directives stipulate that the transactions of one hundred million *kyats* and above must be reported. Moreover, even though a transaction is under one hundred million *kyats*, it must be reported if seemed to be suspicious. The Directives were issued in compliance with the Cabinet decision at the Cabinet Meeting No. 2/2004 on 8 January 2004 of the Government of the Union of Myanmar.

The Monitoring mechanism is supervised by the Department of Internal Audit and Bank Supervision of the Central Bank of Myanmar. The Bank Supervision Committee supervises the monitoring and security mechanism.

Chapter 3 of the Money Laundering Law is clear in stating that undertakings of financial institutions, including money transmitting agencies, without a license issued by the Central Bank of Myanmar is illegal and is considered a criminal offence. In Myanmar, foreign exchange transactions are operated only by the State-owned banks. These banks strictly observe the rules and regulations of the Bank for International Settlements. According to the

Foreign Exchange Regulation Act (1947), transaction of foreign exchange is controlled by the Central Bank of Myanmar.

Travel Ban

A person involved in terrorist acts can be banned from travel within Myanmar by any of the following domestic means: -

(a) Ban on travel issued by a Court

(b) Ban on travel issued by a Local Authority

(c) The Immigration (Emergency Provisions) Act (1947)

(d) The Foreigners Act (1864)

(e) The Registration of Foreigners Act (1940)

(f) The Towns Act (1907)

(g) The Village Act (1907)

At border posts, Immigration Department personnel and other security forces led by the National Intelligence Bureau scrutinize all entries with the consolidated list in order to keep out international terrorists.

Air travelers are also checked with modern X-ray machines and hand detectors at International airports to prevent terrorists entering the country.

Arms Embargo

According to the Atomic Energy Act (1998), the production, utilization, storage, distribution, exportation and importation of nuclear and radio active materials shall be punished effectively.

Under the existing domestic laws, legal action can also be taken against persons who manufacture, sale, possess, store, transport, import and export arms and ammunition and explosive substances.*

The holding of firearms are strictly controlled by the State in Myanmar. In effect, the Supervisory Committee for Firearms Holding chaired by the Minister for Home Affairs scrutinizes the issuance of licenses/permits for firearms in accordance with the Regulation on Holding of Firearms (1977). No one is permitted to hold any firearm or weapon except emergency needs. Because of this strict regulation Myanmar is able to prevent the possible transfer of arms to any terrorist or terrorist entities. Intelligence personnel and security forces use all legal means for check and surveillance.

Assistance and Conclusion

Myanmar has instituted the legal and security measures that are able to counter terrorism in the country. However, it is still in need of technical support, sophisticated equipment, financial assistance as well as training for law enforcement agencies and for exchange of information on countering terrorism. It is therefore expedient to request the international community for appropriate assistance to Myanmar on the above matters.

Further information on countering terrorism in the efforts of the Union of Myanmar are contained in the reports submitted by Myanmar to the CTC pursuant to paragraph 6 of Resolution 1373 (2001).

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* During 2002-2003, serious legal action taken against 41 perpetrators and 23 assorted small Arms, 61 grenades, 7088 assorted Ammunitions were seized.